

| <b>Applicable regulations</b>  | <b>Brief Summary of Proposed Changes</b>  |
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| 5 AAC Part 1 title   | The Part 1 Title heading for 5 AAC is changed to include shellfish.   |
| 5 AAC Chapter 40 title   | The chapter heading for 5 AAC Chapter 40 is changed to include shellfish.   |
| <b>Article 1. General.</b>   |   |
| 5 AAC 40.005(a) - (b)  | Adds language to include shellfish under regulations governing the harvest of species adopted by the Board of Fisheries and adds the department as a governing entity of shellfish enhancement  |
| 5 AAC 40.005(c) - (d); (g)   | Adds salmon or shellfish specific language concerning harvest of species in a Special Harvest Area (SHA) reared by a hatchery operator.   |
| 5 AAC 40.010   | Adds reporting requirement for hatchery operators harvesting shellfish and modifies language to include shellfish hatcheries in exemptions from commercial harvest reporting regulations.   |
| <b>Article 3. Applicability of Regulations.</b>                                    |   |
| 5 AAC 40.100   | Removes salmon from existing language to be inclusive of shellfish hatcheries applicability of regulations by becoming unspecified and adds the word 'hatchery' as part of terminology conforming edits.  |
| <b>Article 4. Permit</b>   |   |
| 5 AAC Chapter 40 Article 4   | Article heading title of 5 AAC Chapter 40 is changed to be more inclusive of hatchery permitting procedures.  |
| 5 AAC 40.110   | Removes salmon from existing language to be inclusive of shellfish hatcheries under the requirements of the commissioner regarding permit applications by becoming unspecified.   |
| 5 AAC 40.120   | Changes the language to clarify that only a nonprofit corporation organized under AS 10.20 may request the department's assistance.   |
| 5 AAC 40.130   | Reorganizes the management feasibility analysis Section language, specifies that only a nonprofit corporation organized under AS 10.20 may request the department's assistance and adds language stating that the PNP Coordinator can request other information necessary for the department to complete the analysis.  |
| 5 AAC 40.140   | Adds the word 'hatchery' to the Section title and reorganizes the language in the Section. Also removes the word 'form' to allow for electronic submission of an application.   |
| 5 AAC 40.150   | Adds language of to specify an application fee as required by AS 16.10.400 of \$0 for a salmon hatchery application and \$0 for a shellfish hatchery application as required by AS 16.12.010.   |
| 5 AAC 40.160   | Corrects cross references within the regulation to accommodate other changes within this regulations project and also removes the word 'form' from the regulatory language.   |
| 5 AAC 40.170   | Changes the Section title so that regional planning team review is specific to salmon only.   |
| 5 AAC 40.180(a)  | Adds clarifying language for timeline procedure during the application review and approval process.   |
| 5 AAC 40.185   | Places the Basic Management Plan section, previously found in 5 AAC 40.820 under the revised Permitting Article as a new Section with revisions that include specifically outlining what must be included in the Basic Management Plan and removing language that was specific to the public hearing process and placing that language more appropriately in 5 AAC 40.210.  |
| 5 AAC 40.190   | Repeals and readopts this regulation to more precisely define the application review and approval process.  |
| 5 AAC 40.210   | Modifies language in the sequential procedures of the public hearing process of completed hatchery permit applications to reflect more accurately what is most commonly of public interest, removes the department's responsibility to include a presentation on fish culture aspects during the public hearing process for approved hatchery permit applications, separates salmon hatchery and shellfish hatchery specific language and makes technical corrections to conform to current legal drafting standards. |
| 5 AAC 40.220   | Changes this section to now be specific to salmon. The application review and decision process is more clearly outlined and specified as well as making technical corrections to conform to current legal drafting standards.   |
| 5 AAC 40.225   | Adds a new section outlining the review and decision process for a shellfish hatchery operation that are being presented to the commissioner after the department review and the completion of the public hearing. Also lists considerations for the commissioner when making a determination on whether to approve or deny an application.   |
| 5 AAC 40.230   | Removes salmon specific language so that this regulation will apply to all hatchery permit reconsiderations and adds clarifying language that reconsideration does not require additional notice or public hearing.   |
| 5 AAC 40.235   | This language is being added as a new section under Article 4 and was previously listed under Article 8 as 5 AAC 40.800 due to the permitting sections being reorganized to all be under Article 4.   |
| 5 AAC 40.240   | Makes applicable language for regional planning team specific to salmon and corrects necessary cross reference.   |
| 5 AAC 40.245   | This language is being added as a new section under Article 4, previously listed under Article 8 as 5 AAC 40.850 due to permitting Sections being reorganized to all be under Article 4. Additional changes include updating the language to conform to current legal drafting standards.   |
| <b>Article 5. Regional Comprehensive Planning.</b>                                 |   |
| The Article heading title in 5 AAC Chapter 40 is changed to be specific to salmon. |   |
| <b>Article 8. General Provisions.</b>  |   |
| 5 AAC 40.800   | This section is repealed and added as a new section under 5 AAC 40.235 with minor technical changes to organize all permitting sections under Article 4.  |
| 5 AAC 40.810(a); (c); (d); (g)   | Changes existing language to be specific to salmon for preference rights associated with regional associations described in AS 16.10.400 and removes antiquated language requiring correspondence to be conducted by certified letters.   |
| 5 AAC 40.820   | Repeals this section and moves to the newly structured permitting Article 4 as 5 AAC 40.185. The new language underwent extensive changes.  |
| 5 AAC 40.830   | Adds language for to allow the department to be able to inspect hatcheries at its discretion in accordance with Alaska statute.   |
| 5 AAC 40.840   | Restructures the regulatory language for annual management plans to add specific language applicable to salmon and shellfish and modernizes antiquated language.  |
| 5 AAC 40.850   | Section is repealed and moved to Article 4 under 5 AAC 40.245 which will contain all permitting related language for salmon and shellfish hatchery operations.  |
| 5 AAC 40.860   | Modifies the performance review criteria used by the commissioner or regional planning team when considering permit revocation or suspensions to be appropriately associated to a salmon or shellfish hatchery. Removes the minimum hatchery survival standards percentages for salmon and allows the department to determine adequate survival rates for both salmon and shellfish enhancement operations.   |
| 5 AAC 40.870   | Minor changes the reporting of mortality regulation by removing the words 'fish or egg' to default to salmon or shellfish hatcheries by becoming unspecified and removes reference to survival standards in 5 AAC 40.860, which is also proposed to be modified.  |

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| 5 AAC 40.880(b) - (c) | Conforming edits to add the word 'hatchery' before all applicable uses of the word 'permit' and changes 'transferral' to transfer in (c).                |
| 5 AAC 40.885          | Adds a new section that establishes procedure for surplus shellfish hatchery eggs and transfers to other facilities.                                     |
| 5 AAC 40.890          | Adds statutory reference specific to shellfish and modernizes antiquated regulatory language.  |
| 5 AAC 40.990(1)       | Provides appropriate description of the commissioner's designee.   |
| 5 AAC 40.990(5)       | Changes the definition of "enhancement" to now include shellfish.  |
| 5 AAC 40.990(6)       | Changes the definition of "escapement" to be specific to salmon.   |
| 5 AAC 40.990(7)       | Changes the definition of "permit" to remove the reference to salmon making the definition also include shellfish by making it unspecified.              |
| 5 AAC 40.990(14)      | Changes the definition of "broodstock" to reference shellfish and removes salmon specific reproduction language and changes that terminology to gametes. |

**Additional Regulatory Changes**

Statutory authorities of existing regulations are changed to include appropriate citations to reflect the addition of the shellfish enhancement language throughout revisions to Chapter 40.